

Serial No. 10/645,814

REMARKS

Status of the Claims

The claims in this application are claims 1-35.

Support for the amendment to claims 1, 18 and 25 are found, for example, in Figs. 1 and 2 and the associated description. No new matter is added.

Claims 1-35

Claims 1-35 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Brown US 6,123,681 in view of Shabty et al. US 2005/0137507 (Shabty), Madden et al. US 6,249,076 (Madden) and Hegde et al. US 2004/0230090 (Hegde). This rejection is respectfully traversed. Moreover, this rejection is believed to be moot in view of the above amendments to the claims.

Reconsideration and withdrawal of the rejection of claims 1-35 under 35 U.S.C. 103(a) are respectfully requested.

Provisional Obviousness-type Double Patenting

The provisional double patenting rejections made by the Examiner are noted. However, these rejections are not yet ripe for argument as the patent applications at the heart of the rejection have yet to issue as U.S. patents. Indeed, at a future time, the provisional double patenting rejections may become the only rejections remaining in the present application, in which case the rejection will be withdrawn in accordance with the provisions of MPEP 804 (emphasis added):

Occasionally, the examiner becomes aware of two copending applications...that would raise an issue of double patenting *if one of the applications became a patent*. ... The merits of such a provisional rejection can be addressed by both the applicant and the examiner without waiting for the first patent to issue.

The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in one of the applications.

...

If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that

Serial No. 10/645,814

rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

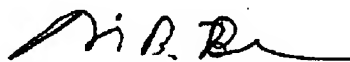
Conclusion

In light of the above remarks, applicant believes that all of the rejections of record have been obviated, and allowance of this application is respectfully requested.

Fees

The Examiner is authorized to any fees that may be due to the undersigned attorney's PTO Deposit Account #50-1047.

Respectfully submitted,



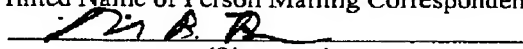
David B. Bonham
Registration No. 34,297

Attorney for Applicant
Mayer & Williams, PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090
Tel.: 703-433-0510
Fax: 703-433-2362

I hereby certify that this document and any document referenced herein is being sent to the United States Patent and Trademark office via Facsimile to: 571-273-8300 on Dec. 18, 2007.

David B. Bonham

(Printed Name of Person Mailing Correspondence)


(Signature)